

REMARKS

This Response is submitted in response to the Office Action mailed on November 25, 2005. The Office Action is denoted to be an election of species requirement. In this regard, the Patent Office states that Applicants are required to elect between the following patentably distinct species of the claimed invention: a consumable product; a cooling agent; and a heating agent. The Patent Office states that Claims 1, 11, 21, 27, 32, and 33 are generic.

Applicants respectfully submit that they cannot respond to this election requirement. In this regard, it appears that all of Claims 1-10, and 27-33 are generic and Claims 11-26 are not generic. In contrast, the Patent Office points to Claims 1, 11, 21, 27, 32, and 33 as being generic. Therefore, Applicants do not understand the election of species.

For example, since the Patent Office is requiring Applicants to elect a consumable product from chewing gum dentifrice, confection, lozenge, mouthwash, mouth spray, and edible film, how are Claims 11 and 21 generic?

Further, it appears that Claims 2-10 are generic based on the election requirement as understood by Applicants. Is this correct in the Patent Office's opinion?

Therefore, Applicants respectfully request that either the Patent Office withdraw the election requirement or please explain it by properly identifying the generic claims. In this regard, if Applicants are required to elect a specific species, Applicants want to ensure that they understand the election requirement and which claims would be generic thereto and would not be.

Respectfully submitted,

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